



**OFFICE OF THE SHERIFF
CITY AND COUNTY OF SAN FRANCISCO**

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**Ross Mirkarimi
SHERIFF**

**December 15, 2014
Reference: 2014-246**

**Pamela Arluck, Acting Division Chief
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554**

Re: 47 CFR Part 64

Dear Acting Division Chief Arluck,

By this letter, and pursuant to Sections 1.1206(a) and (b)(1)-(2) of the rules of the Federal Communication Commission's (FCC), the San Francisco Sheriff's Department provides notice of meetings between Sheriff Ross Mirkarimi and representatives of the Commission. Specifically, on December 11, 2014 Sheriff Mirkarimi met with Pamela Arluck, Acting Division Chief, Pricing Policy Division, Lynne Engledow, Acting Deputy Division Chief, Pricing Policy Division, and David Zesiger, Acting Deputy Division Chief, Pricing Policy Division. At this meeting, Sheriff Mirkarimi indicated that the San Francisco Sheriff's Department generally supports the proposed changes to inmate calling rates. He also provided information about regarding three of the FCC's key assumptions.

Background

San Francisco's jail population hovers around 1200; making it the nation's least crowded jail system per capita. This low jail population is the result of declining recidivism over the last three years, as well as an increased focus on diversion. SFSFSD recently passed an important milestone. For the first time, the percent of inmates diverted (53 percent) exceeded the percent incarcerated.

Calling Revenues and Facility Budgets

Regarding the FCC's assumption that inmate calling revenues are a small part of facility budgets and that eliminating commissions will therefore have a limited impact on facilities, Sheriff Mirkarimi explained that while inmate calling revenues are a small part of total facility budgets, they are a large part of the budget for services targeted at reducing recidivism. He clarified that because eliminating commissions would significantly reduce funding for programs targeted at reducing recidivism, the FCC's proposed changes to inmate calling rates could have the unforeseen consequence of increasing, rather than reducing recidivism.

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The San Francisco Sheriff's Department is a leader in providing recidivism reduction programming to inmates. Following an October 2014 visit to the San Francisco jail facilities, Jeffrey A. Beard, Secretary of the California Department of Corrections and Rehabilitation, called the San Francisco jail system a model for what jail systems throughout California should be doing regarding recidivism. The recidivism rate in San Francisco has been dropping for the last several years, dropping it well below 50 percent, compared to the 65 percent of state prison inmates who return to incarceration within three years of release.

SFSD's low recidivism rate is due, in part, to the funding provided via inmate telephone call commissions, which are deposited into the inmate welfare fund (IWF). Specifically, SFSD expends IWF funds in three categories:

- Salaries for Prisoner Legal Services (PLS) and Program staff,
- Recidivism reduction programming provided by community based organizations (CBOs), and
- Inmate services and supplies, such as materials for the jail legal library and comfort items for indigent inmates.

PLS staff works directly with inmates to reduce legal barriers to re-entry such as lack of state-issued identification. Program staff provides departmental oversight and direction for the CBOs that provide recidivism reduction programming such as RSVP, a survivor restoration program, parent child contact visits, and post-release and transition services for veterans. A summary of inmate welfare expenditures for the last three years is provided below.

INMATE WELFARE EXPENDITURES						
Expenditure Category	%	FY 13 -14	%	FY12 -13	%	FY 11 -12
Staff Salaries (Prisoner Legal Services & Program Staff)	50%	\$ 572,606	32%	\$ 290,417	39%	\$ 392,148
Recidivism Reduction Programming (provided by CBO's)	34%	\$ 381,453	49%	\$ 435,463	43%	\$ 439,596
Inmate Services & Supplies	16%	\$ 180,599	19%	\$ 168,481	18%	\$ 183,327
Totals		\$ 1,134,658		\$ 894,361		\$ 1,015,071

Calling Rates and Call Volume

Regarding the FCC's assumption that inmate phone commissions must be completely eliminated to increase call volume, Sheriff Mirkarimi provided information that demonstrates significant increases in call volume can be made by reducing call rates while retaining commissions.

Reducing inmate calling rates is in-line with Sheriff Mirkarimi's emphasis on increasing inmates' communication with their social support network through increased visiting and additional parent contact visits. In spring 2014 San Francisco dramatically reduced all surcharges and calling rates, ensuring that call rates for all service types

were below the interstate caps set by the FCC. These changes resulted in a 24 percent reduction in the average cost for a 15 minute phone call. See detail below.

Prior Calling Rates				Current Calling Rates				Reduction
Collect	Surcharge	Per Minute Rate	Avg Cost for 15 Minute Call	Collect	Surcharge	Per Minute Rate	Avg Cost for 15 Minute Call	Avg Cost for 15 Minute Call
Local	\$2.80	\$0.11	\$4.45	Local	\$1.25	\$0.10	\$2.75	-38%
Intralata	\$2.80	\$0.15	\$5.05	Intralata	\$1.50	\$0.17	\$4.05	-20%
Interlata	\$3.00	\$0.69	\$13.35	Interlata	\$1.50	\$0.17	\$4.05	-70%
Interstate	\$0.00	\$0.25	\$3.75	Interstate	\$0.00	\$0.25	\$3.75	0%
Prepaid Collect	Surcharge	Per Minute Rate	Avg Cost for 15 Minute Call	Prepaid Collect	Surcharge	Per Minute Rate	Avg Cost for 15 Minute Call	Avg Cost for 15 Minute Call
Local	\$2.80	\$0.11	\$4.45	Local	\$1.25	\$0.10	\$2.75	-38%
Intralata	\$2.80	\$0.15	\$5.05	Intralata	\$1.50	\$0.17	\$4.05	-20%
Interlata	\$3.00	\$0.69	\$13.35	Interlata	\$1.50	\$0.17	\$4.05	-70%
Interstate	\$0.00	\$0.21	\$3.15	Interstate	\$0.00	\$0.21	\$3.15	0%
Debit	Surcharge	Per Minute Rate	Avg Cost for 15 Minute Call	Debit	Surcharge	Per Minute Rate	Avg Cost for 15 Minute Call	Avg Cost for 15 Minute Call
Local	\$1.25	\$0.10	\$2.75	Local	\$1.25	\$0.10	\$2.75	0%
Intralata	\$2.53	\$0.10	\$4.03	Intralata	\$1.50	\$0.17	\$4.05	0%
Interlata	\$2.83	\$0.10	\$5.98	Interlata	\$1.50	\$0.17	\$4.05	-32%
Interstate	\$0.00	\$0.21	\$3.15	Interstate	\$0.00	\$0.21	\$3.15	0%

Following these reductions, San Francisco saw a 21 percent increase in the number of calls made and an 18 percent increase in the number of minutes used. See detail below.

CALL VOLUME ANALYSIS		
Traffic Month	Calls	Minutes
3 month Pre-Change Avg.	27,720	303,677
3 month Post Change Avg.	33,623	358,752
% Fluctuation	21%	18%

California Regulation of Inmate Welfare Funds

Regarding the FCC's assumption that expenditure of inmate welfare funds is unregulated, Sheriff Mirkarimi clarified that in California, inmate welfare fund expenditures are regulated via California Penal Code 4025 and California Code of Regulations Title IX, Section 1045.

In California, Penal Code Section 4025 requires that "money and property deposited into the inmate welfare fund shall be expended by the Sheriff primarily for the benefit, education, and welfare of the inmates confined within the jail." Uses such as providing "required county expenses of confining inmates in a local dentition system, such as meals, clothing, housing or medical services or expenses" is specifically prohibited. Further, the Penal Code Section 4025 requires that the Sheriff submit an itemized report of these expenditures to annually to the board of supervisors. Finally California Code of Regulations Title IX, Crime and Prevention and Corrections, Section 1045 requires that an itemized report of annual inmate welfare fund expenditures "be posted in each facility and made available to the public and the inmates." This requirement ensures inmate and public scrutiny and therefore proper expenditure of inmate welfare funds.

Summary

As demonstrated the San Francisco Sheriff's Department's early action to reduce calling fees and to maintain all calling rates below the caps set by the FCC, the SFSD strongly supports reasonable calling rates for inmates to enhance their communication with family and friends, thereby preventing future recidivism. However, the SFSD requests that the FCC consider the impact of eliminating commissions on funding for recidivism reduction services and allow a sufficient phase-in time to allow facilities to adjust. Further, SFSD requests that the FCC consider the San Francisco experience and acknowledge that reducing calling rates significantly increases call volume, even when limited commissions remain in place. Finally, SFSD requests the FCC take into consideration existing state and local regulations that already regulate inmate welfare funds and ensure that any future regulation is copasetic with existing laws.

Please direct any questions regarding the foregoing to the undersigned.

Sincerely,



ROSS MIRKARIMI
Sheriff